

REMARKS

Applicants wish to thank the Examiner for considering the present application. In the Final Office Action dated August 21, 2003, claims 9-13 are pending in the application. Claims 14-23 have been withdrawn from consideration.

Claims 9-12 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Kurimura* (US 5,517,870). Applicants respectfully traverse.

For a proper §102 rejection, each and every element of the claims must be found in the reference. Applicants respectfully submit that each and every element of claims 9-12 are not found in the *Kurimura* reference. Claim 9 is directed to an analysis device that has a housing, a glass slide member positioned within the housing, and an elastomer member that is positioned within the housing wherein the housing urges the elastomer member into sealing arrangement with the glass slide member. The elastomer member has at least one channel thereon, at least one inlet port, and at least one outlet port so that materials entering the inlet port are transported through the device and the channel and out through the outlet port.

The Examiner alleges on pages 2-3 of the Final Office Action that the *Kurimura* reference discloses each of the elements. The Examiner points to Figure 3, elements 10, 56, 28 for this proposition. Applicants admit that the *Kurimura* reference teaches a flow cell that has an inlet, and an outlet. The Examiner points to reference numeral 25 as a glass slide member. Reference numeral 25 refers to the flow cell. Although it is described that the flow cell may be made of glass, no teaching or suggestion is provided for a glass slide. The Examiner also points to O-rings 28a and 28b as an elastomer member. The elastomer member does not urge or contact the glass slide. That is, the O-rings are used to provide a seal to flanges 26a and 26b. This is set forth in Col. 7, line 44, which states: "The flange 26a is disposed vertically in a center portion of the flow cell supporting portion 27a at a lower portion of a flow cell stand 27a and is sealed by an O-ring 28a." Thus, it cannot be said that "said housing urging said elastomer member into sealing arrangement with said at least one glass slide member." That is, the O-ring does not contact the flow cell. Thus, this limitation is not met by the *Kurimura* reference.

Because each and every element of claim 9 is not recited in the *Kurimura* reference, applicants respectfully request the Examiner for a reconsideration of this rejection. Likewise, claims 12 and 13 are further limitations of claim 9 and are believed to be allowable for the same reasons set forth above.

In light of the above remarks, applicants submit that all rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, the Examiner is respectfully requested to call the undersigned attorney.

Please charge any fees required in the filing of this amendment to Deposit Account 50-0476.

Respectfully submitted,
ARTZ & ARTZ, P.C.

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